

IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS & ST. JOHN

GREAT LAKES INSURANCE SE,

Plaintiff,

v.

DANIEL MYKOLENKO and NOELLE  
MYKPLENKO, *in personam*, and S/V NADIYA,  
her engine, tackle, rigging, apparel, and  
appurtenances, *in rem*,

Defendants,

\_\_\_\_\_ /

DANIEL MYKOLENKO and NOELLE  
MYKPLENKO

Third-Party Plaintiffs,

v.

COMPASS POINT MARINA, INC.,

Third-Party Defendant.

\_\_\_\_\_ /

COMPASS POINT MARINA, INC.,

Additional Third-Party Plaintiff,

v.

CHARTER HOUSE YACHT CLUB, INC.,

Additional Third-Party Defendant,

\_\_\_\_\_ /

**CHARTER HOUSE YACHT CLUB, LLC.'s ANSWER AND AFFIRMATIVE  
DEFENSES TO COMPASS POINT MARINA, INC.'S THIRD-PARTY COMPLAINT**

Third Party Defendant, CHARTER HOUSE YACHT CLUB, LLC., ("CHARTER  
HOUSE"), by and through undersigned counsel, Quintairos, Prieto, Wood and Boyer,

P.A., hereby serves its Answer and Affirmative Defenses to the Third Party Complaint (“Complaint”) of Third Party Plaintiff COMPASS POINT MARINA, INC. (“CPM”) as follows:

1. CHARTER HOUSE admits the allegations contained in Paragraphs 2, 4-5, 7, 10-11, and 29 of the Complaint.
2. CHARTER HOUSE denies the allegations contained in Paragraphs 1, 3, 6, 12-13, 16, 19, 23, 30-32, 34-36, and 38-39 of the Complaint.
3. CHARTER HOUSE lacks knowledge and information sufficient to form a belief as to the truth of the allegations contained in Paragraphs 9, 14-15, 17-18, 20-22, 24-26, 28, and 37 of the Complaint.
4. CHARTER HOUSE realleges and restates in prior admissions and denials for Paragraphs 27 and 33, of the Complaint
5. CHARTER HOUSE hereby demands a trial by jury.

#### **AFFIRMATIVE DEFENSES**

As separate and distinct defenses to the Complaint, CHARTER HOUSE alleges the following:

1. CHARTER HOUSE is a Limited Liability Company, not a Corporation, organized and existing under the laws of the State of North Carolina with Secretary of State I.D. No.1754814 that was not formed until September 26, 2018 over a year after the September 6, 2017 hurricane which is alleged to have given rise to this action, and therefore cannot be liable.

2. This Court lacks of subject-matter jurisdiction over the claims asserted by CPM against CHARTER HOUSE;

3. This Court lacks personal jurisdiction over Charter House, a North Carolina company;

4. CMP has brought this action in an improper venue;

5. CPM has served insufficient process on CHARTER HOUSE;

6. CPM insufficiently served process on CHARTER HOUSE;

7. CPM's Complaint fails to state a claim against CHARTER HOUSE upon which relief can be granted by this Court.

8. CHARTER HOUSE reserves the right to amend this Answer and to assert additional affirmative defenses and/or supplement, alter or change its Answer and Affirmative Defenses upon completion of appropriate investigation and discovery.

WHEREFORE, Defendant, CHARTER HOUSE requests judgment in its favor and against the Third Party Plaintiff CPM, including attorneys' fees, costs, and expenses incurred in defending this matter; and such other relief deemed just and proper by this Court.

Respectfully submitted,

Quintairos, Prieto, Wood & Boyer, P.A.  
9300 South Dadeland Blvd., 4<sup>th</sup> Floor  
Miami, FL 33156  
Telephone: (305) 670-1101

/s/ Ryan C. Meade  
Ryan C. Meade, Esq.  
[rmeade@qpwbllaw.com](mailto:rmeade@qpwbllaw.com)  
V.I. Bar No.: 1033

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served via the Court's CM/ECF system this 6<sup>th</sup> day of May, 2019 to the following:

Matthew J. Duensing, Esq.  
[mduensing@vilawyers.com](mailto:mduensing@vilawyers.com)  
Law Offices of Duensing and Casner  
9800 Buccaneer Mall, Bldg. 2, Ste. 9  
P.O. Box 6785  
St. Thomas, VI 00804

Andrew C. Simpson, Esq  
[asimpson@coralbrief.com](mailto:asimpson@coralbrief.com)  
Andrew C. Simpson, P.C.  
2191 Church Street, Suite 5  
Christiansted, VI 00820

Gregory H. Hodges, Esq.  
[ghodges@dtflaw.com](mailto:ghodges@dtflaw.com)  
Dudley, Topper and Feuerzeig, LLP  
1000 Frederiksberg Gade  
P.O. Box 756  
St. Thomas, VI 00804

/s/ Ryan C. Meade  
Ryan C. Meade, Esq.  
Gregory W. Kubarych, Esq.